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DATE: February 27, 2004

TOTAL # OF PAGES:
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TO: Commissioner for Patents

FAX #: (703) 872-9306

FIRM NAME: Examiner: Elizabeth S. Quan
Art Unit: 1743

PHONE #: (571) 272-1261

FROM: Victor E. Johnson

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RE:

U.S. Patent Application No. 09/881,052 for
Oligonucleotide Synthesizer
Our Docket No. A-68717-2/RMS/VEJ (Matter No. 469249-00078)

COMMENTS:

Kindly acknowledge receipt of the following documents by return facsimile:

- 1) REQUEST FOR RECONSIDERATION AND RESETTING REPLY PERIOD;
- 2) Copy of first two pages of U.S. Patent No. 6,663,832;
- 3) Copy of Information Disclosure Statement received by the USPTO on May 18, 2001 and signed by Examiner on October 27, 2002; and
- 4) One facsimile cover sheet.

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PAGE 1/6 * RCVD AT 2/27/2004 8:12:45 PM [Eastern Standard Time] * SVR:USPTO-EFXXRF-1/0 * DNIS:8729306 * CSID:1 415 398 3249 * DURATION (mm:ss):01:58

PATENT

Attorney Docket No. A-68717-2/RMS/VEJ
Attorney Matter No. 469249-00078
Application No. 09/881,052

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Michal Lebl *et al.*

Application No. 09/881,052

Filed: June 13, 2001

For: OLIGONUCLEOTIDE
SYNTHESIZER

Art Unit: 1743

Examiner: Elizabeth S. Quan

Docket No.: A-68717-2/RMS/VEJ

Certificate of Transmission (37 C.F.R. § 1.8(g))

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Victor E. Johnson
Victor E. Johnson

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION
AND RESETTING REPLY PERIOD

Sir:

Applicants respectfully request that the Examiner reconsider all references listed on the Information Disclosure Statement filed June 13, 2001 ("the '01 IDS"). Applicants further request that the Examiner reset the outstanding reply period in accordance with M.P.E.P. § 710.06.

In the Office Action of February 5, 2004, the Examiner stated that the '01 IDS has been placed in the application file, but the information referred to therein has not been considered. A copy of the '01 IDS was attached to the Office Action but the Examiner did not initial the foreign patent or the non patent literature documents. Instead, the Examiner indicated that these documents were "not provided".

Applicants respectfully submit that, in accordance with 37 C.F.R. §. 1.98(d), copies of the above-mentioned documents need not be provided because copies thereof were submitted to, or cited by, the USPTO during prosecution of an earlier application which was relied upon by this application under 35 U.S.C. § 120. Specifically, copies of the above-mentioned documents were

REQUEST FOR RECONSIDERATION
AND RESETTING REPLY PERIOD

- 1 -

(1133314)

PATENT

Attorney Docket No. A-68717-2/RMS/VEJ
Attorney Matter No. 469249-00078
Application No. 09/881,052

submitted to the USPTO during prosecution of parent application no. 09/738,473 ("the '473 application").

Attached hereto is a copy of the first two pages of U.S. Patent No. 6,663,832 evidencing that each of the above-mentioned documents, with the exception of Japanese Patent No. 61-139756, was submitted to, or cited by, the USPTO during prosecution of the earlier application. Applicants respectfully submit that the Japanese patent was also submitted to the USPTO and considered by the Examiner during prosecution of the '473 application as is evidenced by the copy of the attached Information Disclosure Statement received by the USPTO on May 18, 2001 and signed by Examiner on October 27, 2002.

Accordingly, Applicants respectfully request the Examiner to consider the above-mentioned documents in accordance with 37 C.F.R. § 1.98. As the present request is brought to the Examiner's attention within one month after the date of the Office Action, Applicants respectfully request the Examiner to restart the period for reply in accordance with M.P.E.P. § 710.06.

Applicants believe that no fee is required in connection with this communication. Nonetheless, the Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time and for the presentation of extra claims, or credit any overpayment to Deposit Account No. 50-2319 (Order No. 469249-00078; Docket No. A-68717-2/RMS/VEJ).

Respectfully submitted,

DORSEY & WHITNEY LLP

Date: 2/27/2004

By: 

Victor E. Johnson, Reg. No. 41,546
/for/ Robin M. Silva, Reg. No. 38,304
Filed under 37 C.F.R. § 1.34(a)

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REQUEST FOR RECONSIDERATION
AND RESETTING REPLY PERIOD

- 2 -

(1133314)



US006663832B2

(12) **United States Patent**
Lebl et al.

(10) Patent No.: **US 6,663,832 B2**
(45) Date of Patent: **Dec. 16, 2003**

(54) OLIGONUCLEOTIDE SYNTHESIZER

(75) Inventors: Michal Lebl, San Diego, CA (US);
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Steven M. Barnard, San Diego, CA
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J. Nibbe, Santee, CA (US); Aaron
Christopher Jones, San Diego, CA
(US)

(73) Assignee: Illumina, Inc., San Diego, CA (US)

(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 0 days.

(21) Appl. No.: 09/738,473

(22) Filed: Dec. 13, 2000

(65) Prior Publication Data

US 2002/0028159 A1 Mar. 7, 2002

Related U.S. Application Data

(60) Provisional application No. 60/170,314, filed on Dec. 13,
1999.

(51) Int. Cl.⁷ G01N 21/00

(52) U.S. Cl. 422/64; 422/99; 422/100;
422/63; 422/67; 436/43; 436/47; 436/45;
436/180; 73/863.45

(58) Field of Search 422/64, 100, 67;
436/45, 180, 44, 46-48; 73/863.01, 863.44,
864.31; 494/17

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(List continued on next page.)

Primary Examiner—Jill Warden

Assistant Examiner—Elizabeth Quan

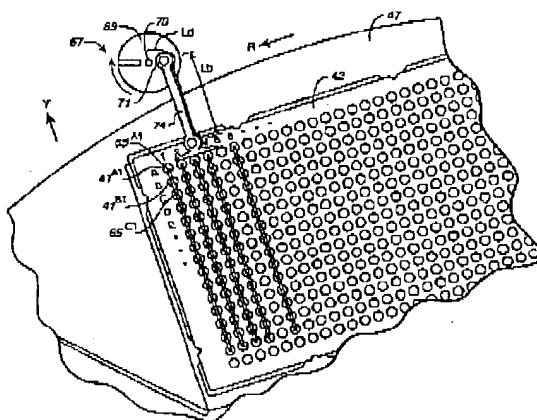
(74) Attorney, Agent, or Firm—Dorsey & Whitney LLP

(57)

ABSTRACT

An apparatus for high-throughput combinatorial syntheses of organic molecules including a reaction vessel for containing a combinatorial-chemistry synthetic reaction, a liquid dispenser for dispensing the liquid, a liquid aspirator and an adjustment mechanism. The reaction vessel includes an ingress aperture allowing a liquid to enter into an interior of the vessel and an egress aperture for aspirating the liquid from the vessel. The liquid dispenser dispenses liquid through the ingress aperture. The liquid aspirator aspirates liquid through the egress aperture and includes a rotor for carrying the vessel and orbiting the vessel about an axis of rotation. The rotor is oriented generally in a horizontal plane and includes an adjustment mechanism for adjusting the angle of the vessel relative to the horizontal plane in response to the centrifugal force generated by orbiting the vessel about the axis of rotation. A method of combinatorial synthesis of organic molecules is also disclosed.

18 Claims, 12 Drawing Sheets



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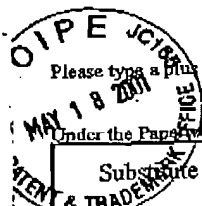
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	09/738,473
Filing Date	December 13, 2000
First Named Inventor	Michal Lebl et al.
Group Art Unit	1743
Examiner Name	To be assigned
Attorney Docket Number	A-68717-1/DJB/RMS/VEJ

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
EL	A	4,244,694		FARINA et al.	01/13/1981	
EL	B	3,712,535		GENESE et al.	01/23/1973	
	C					
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FOREIGN PATENT DOCUMENTS

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	U		
	V		

Examiner Signature	<i>Elizabeth J. ...</i>	Date Considered	10/27/2002
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

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